

AFFIDAVIT TO COLLECT PERSONAL PROPERTY

AFFIDAVIT INSTEAD OF PROBATE – SMALL ESTATE

1. WHEN CAN YOU USE AN AFFIDAVIT?

You might not have to go to probate court at all, if the estate of the person who died is small enough. Generally, you can file an affidavit to claim personal property without going to probate court if:

A. RIGHT TO SUBMIT AFFIDAVIT. You have legal standing or the right to submit an affidavit to persons who have the property of the person who died, or owe money to the person who died, if:

1. You are named in a Will to receive the property of the person who died, and you can prove it;
2. The person who died had no will, but you are entitled to the property under law because of one of the following:
 - You are the surviving spouse;
 - You are a living child of the person who died, and there is no surviving spouse;
 - You are the surviving parent of the person who died, and there are no living children or spouse;
 - You are a living brother or sister of the person who died, and there are no living children, spouse, or parents.

B. VALUE OF ALL PERSONAL PROPERTY. The value of all of the personal property (cash, bank accounts, stocks and bonds, cars, jewelry, money owed to the person who died etc.) in the decedent's estate, wherever located, less liens and encumbrances, **does not exceed \$75,000 and at least 30 days have passed since the death.**

C. ENTITLEMENT TO THE PROPERTY:

PERSONAL PROPERTY: You are the claiming successor to the personal property and are entitled to payment or delivery of the property

2. WHAT TO DO AFTER YOU HAVE COMPLETED THE AFFIDAVIT: Use only black ink.

A. TO COLLECT PERSONAL PROPERTY, take the Affidavit for Collection of Personal Property to the person who has the property or owes the debt. If you are claiming title to a motor vehicle, the motor vehicle division will transfer title to you upon payment of any required fees.

You may also present the Affidavit to collect a debt owed to the person who died. If you are the surviving spouse, you may also use the Affidavit to collect wages owed to the decedent, of up to \$5,000.00.

It is not necessary to file any papers or pay any fees to the Court to use the **Affidavit to Collect Personal Property.**